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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,220	01/26/2004	Takashi Hanamoto	00862.023424.	6562
5514 7590 02/26/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
NGUYEN, MADELEINE ANH VINH				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,220

Applicant(s)

HANAMOTO, TAKASHI

Examiner

Madeleine AV Nguyen

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on December 29, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6, 10 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 10, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 29, 2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada et al (Publication No. US2002/0145744) in view of Otsuki (Publication No. US 2004/0239744).

Concerning claim 1, Kumada discloses an image data processing apparatus (Fig.1, 10 and 22) for processing image data to be printed, comprising: a print-condition acquisition unit (user interface, Figs. 15-20, 24-25, 27-30) adapted to acquire information relating to print condition (printing instructions and printer characteristics) which is instructed by a user (profile having

printing instructions and output characteristics of a printer); and a selection unit (Figs. 24-25) adapted to select a combination of a color space and bit precision based upon the acquired information (Fig.32); a conversion unit (101, 104, 106, Fig.1) adapted to convert the input image data to the selected color space and bit-precision; a color correction unit (for smoothing, white point correction of colorimetric values, Figs.23 and 32), adapted to execute color correction for the converted image data and generation of printer data (device CMYK, Fig.1); an output unit (107, Fig.1) adapted to output the corrected image data to a printer, wherein the printer forms, based on the acquired information relating to print (Abstract; paragraphs 0004-0007, 0051-0053, 0059, 0081-0089, 0093, 0095-0099, 0102-0103, 0110-0115, 0140-0141, 0150, 0155-0162).

Kumada fails to teach that the print condition includes a type of medium or a resolution. Otsuki discloses a printer (Fig.2) for printing image data with printing process conditions that are suitable for the image characteristics and printing characteristics wherein the "printing process conditions of the printer, such as paper quality (paper type), resolution or operation direction of the print heads, whose settings conventionally used to be made on a setting screen of a printer driver. It would have been obvious to one skilled in the art at the time the invention was made to combine the above teaching of Otsuki of print condition including a type of medium or a resolution to the system in Kumada since Kumada also discloses different input instructions from the user for setting parameters for printing which can be corrected or modified (Fig.32; paragraphs 0150-0154).

Claim 5 is method claim of apparatus claim 1. Claim 5 is rejected for the same rationales set forth for claim 1 above.

Concerning claim 6, Kumada in view of Otsuki further teaches the selection of either 8-bit or 16 bit RGB including 8-bit sRGB (Fig.10; paragraph 0081-0085).

Kumada in view of Otsuki does not directly teach the 16-bit xRGB color space. However, since xRGB also belongs in RGB color space while Kumada teaches RGB and sRGB color spaces, it would have been obvious to one skilled in the art at the time the invention was made to modify the selection of 16-bit RGB to 16-bit xRGB since the xRGB is also include in the RGB color space.

Concerning claim 10, Kumada in view of Otsuki discloses a control program or a recording medium residing on a computer readable medium for causing the image data processing method set forth in claim 5 to be implemented by a computer.

2. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada in view of Otsuki as applied to claims 1, above, and further in view of Spaulding et al (US Patent No. 6,301,393).

Concerning claims 14 and 16, Kumada in view of Otsuki fails to teach the combination of the color space and bit precision includes a combination of a color space having a wide color gamut and a high bit precision and a combination of a color space having a narrow color gamut and a low bit precision. Spaulding et al discloses an imaging system with a combination of the color space and bit precision wherein the extended (wide) color gamut image 20 has a higher bit precision. For instance, the extended color gamut digital image 20 might be represented using 12-bit digital code values, and the storage digital image 24 having a narrow color gamut might be represented using 8-bit digital code values (col.6, lines 62-67). It would have been obvious to

one skilled in the art at the time the invention was made to use the above teaching of Spaulding et al to modify the combination of the color space and the bit precision in Kumada including a combination of a color space having a wide color gamut and a high bit precision and a combination of a color space having a narrow color gamut and a low bit precision since the set parameter list in Kumada can be corrected or modified by the user while various conditions can be stored in the profile for image printing.

Allowable Subject Matter

3. Claims 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 15 and 17 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches an image data processing apparatus and method for processing image data to be printed in claims 1, 5, 14 and 16 wherein the selection unit selects the combination of the color space having a narrow color gamut and a low bit precision if a resolution instructed as a print resolution by a user is a low resolution.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Tsunekawa et al (US Patent No. 6,348,975) discloses an image processing apparatus capable of read out and analyze form data upon printing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Madeleine AV Nguyen/
Primary Examiner, Art Unit 2625

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Primary Examiner
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February 26, 2009